

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

BARBARA PIPER, as Executrix of the
Estate of MICHAEL PIPER, Deceased,
on behalf of herself and all others
similarly situated, *et al.*,

Plaintiffs,

v.

BAYER CROP SCIENCE LP, BAYER
CROPSOURCE INC., *et al.*,

Defendants.

Case Nos. 3:21-CV-21-NJR, 3:21-CV-
46-NJR, 3:21-CV-122-NJR, 3:21-CV-
173-NJR, 3:21-CV-181-NJR, 3:21-CV-
204-NJR, 3:21-CV-297-NJR

MEMORANDUM AND ORDER

ROSENSTENGEL, Chief Judge:

Pending before the Court are eight antitrust cases in which Plaintiffs allege major Crop Input manufacturers, wholesalers, and retailers participated in a conspiracy to fix the prices of Crop Inputs sold to farmers throughout the United States. Crop Inputs include seeds and crop protection chemicals such as fungicides, herbicides, and insecticides.

Currently, a number of motions are pending in these cases, including motions to consolidate and to appoint interim class counsel, motions to transfer venue under 28 U.S.C. § 1404(a), and a joint motion to dismiss Plaintiffs' Class Action Consolidated Complaint—as well as various motions to dismiss filed by individual Defendants. The undersigned Chief District Judge also has heard arguments regarding whether to begin the discovery process with initial disclosures, and whether to enter a protective order and ESI protocol.

Ten days from now, on May 27, 2021, the Judicial Panel on Multidistrict Litigation will hear oral argument on certain Plaintiffs' motion to transfer the actions pursuant to 28 U.S.C. § 1407 for coordinated or consolidated proceedings. *See In re: Crop Inputs Antitrust Litigation*,

MDL No. 2993. Plaintiffs seek to have the cases consolidated for pretrial proceedings before the undersigned in the Southern District of Illinois. Defendants agree the cases should be consolidated, but, for some of the same reasons they seek to transfer venue, argue the Eastern District of Missouri is the most appropriate transfer forum. Alternatively, they argue the actions should be transferred and consolidated in the District of Minnesota.

Upon consideration of the parties' arguments on the Bayer CropScience Defendants' motion to transfer venue, and after further reflection on procedural status of these cases, the Court now favors a short stay while the JPML contemplates consolidation and transfer. Staying the actions, rather than transferring the cases or beginning discovery in this District, will conserve the parties' resources and maximize judicial efficiency. Maintaining the status quo will also benefit the JPML in its consideration of the parties' arguments on transfer.

Accordingly, all proceedings and deadlines in the above-captioned cases are **STAYED** until 14 days after the Judicial Panel on Multidistrict Litigation determines whether to transfer these actions to an MDL proceeding and completes any transfer of the action pursuant to 28 U.S.C. § 1407.

IT IS SO ORDERED.

DATED: May 17, 2021

The image shows a handwritten signature in black ink that reads "Nancy J. Rosenstengel". The signature is written in a cursive, flowing style. Behind the signature, there is a faint, circular official seal of the United States District Court for the Southern District of Illinois.

NANCY J. ROSENSTENGEL
Chief U.S. District Judge